

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.21612 of 2007

Date : 24-12-2007

Between :

T.V. Naidu s/o. Venkateswarlu

..

Petitioner

And

The Government of A.P.

Represented by its Secretary,

Industries and Commerce Department,

Secretariat, Hyderabad

And others

..

Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.21612 of 2007

ORDER:

1. Heard the Counsel on record.
2. The Writ Petition is filed for a writ of mandamus declaring the action of the respondent in not granting quarry lease to the petitioner in over an extent of 6.000 Hects. on his application dated 1-12-2005 and granting only 2.300 Hects. in Sy.Nos.16, 19 and 140 Gouthapur Village, Balanagar Mandal, Mahaboobnagar District and granting quarry lease to 4th and 5th respondents in Sy.Nos.16, 19 and 140 of Gouthapur Village, Balanagar Mandal, Mahaboobnagar District on which application was filed by the petitioner as unjust, unconstitutional, contrary to A.P. Minor Mineral Concession Rules, 1966 and to call for records and to set-aside the quarry lease granted to 4th and the 5th respondents in Sy.Nos.16, 19 and 140 of Gouthapur Village, Balanagar Mandal, Mahaboobnagar District and to pass such other suitable orders.
3. Several facts had been averred and it is stated that now the Deputy Director of Mines and Geology had granted quarry lease to the 4th respondent in over an

extent of 2.000 Hects. in Survey No.140 on 23-6-2007 and to the 5th respondent on 23-6-2007 over an extent of Acs.1.15 gts. in Sy.No.16 Acs.4.20 gts., in Sy.No.140 and also granted Acs.4.20 gts. in Sy.No.15(p) with which the petitioner is not concerned. It is further averred that granting any quarry lease over the rest of the area to the respondents 4 and 5 when the petitioner made application dated 1-2-2005 is arbitrary and illegal. Further, it is stated that the survey conducted by the Assistant Director of Mines and Geology and the recommendation only to the extent of 2.300 Hects. when the area available was 6.000 Hects. is arbitrary, illegal and unjust. When the Revision is pending on the file of the 1st respondent-Deputy Director should not have granted quarry leases. As on the date of filing of Revision on 13-3-2007, no quarry leases were granted to the 4th and the 5th respondents. The petitioner filed application to implead them. The Revision is not heard by the Government till date and the respondents are proceeding to work the quarry in which event the petitioner will suffer loss and hardship.

4. Inasmuch as it is stated that the Revision of the petitioner is pending before the 1st respondent, it would be just and proper, in the facts and circumstances of the case, if the 1st respondent is directed to dispose of the Revision at an early date. It is also brought to the notice of this Court that *rule nisi* was issued on 11-10-2007 and interim stay had been granted for a limited period which is being extended from time to time.

5. In the light of the same, let the 1st respondent dispose of the Revision within a period of two months from the date of receipt of a copy of this order. Till then, the interim stay granted by this Court to be operative. The Writ Petition is accordingly disposed of. No order as to costs.

Justice P.S. Narayana

Date : 24-12-2007

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